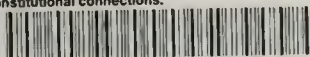


# CONSTITUTIONAL CONNECTIONS

THE NEWSLETTER OF THE MONTANA CONSTITUTIONAL CONNECTIONS COMMITTEE,  
AN AFFILIATE OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED  
STATES CONSTITUTION AND THE MONTANA STATEHOOD CENTENNIAL OFFICE.

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September 15, 1986

## AN INTRODUCTION. . .

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The Montana committee was formed in response to a call from the Congressionally established Commission on the Bicentennial of the United States Constitution chaired by retiring U.S. Supreme Court Chief Justice Warren Burger. The coincidence of several national and state anniversaries made integration with Centennial planning desirable, and the Burger Commission evidently agreed. On June 23, 1986, the Governor was notified that the "Constitutional Connections Committee of the Montana Statehood Centennial Office has been recognized as your state's official bicentennial commission."

In addition to Judge Haswell, the committee membership includes: from the University of Montana in Missoula, Margery H. Brown with the School of Law, Jim Lopach and Ron Perrin with the Political Science Department; representing the Montana Committee for the Humanities, Margaret Kingsland of Missoula, John Smith of Hamilton and Margaret Davis of Helena (also with the League of Women Voters); from Montana State University in Bozeman, Billy G. Smith with the Department of History and Philosophy and Elaine Schlenker with the Extension Service; representing the State Bar of Montana, Steve Browning of Helena, Jim Goetz of Bozeman and James Thompson of Billings; AFT representative Frank Moreni of Anaconda and teacher Hal Stearns Jr. of Missoula; A.C.L.U. representative Jane Van Dyk of Billings; interested citizens Carole Mackin of Whitehall, Diane Sands of Missoula, and John Thorson and Herb Jacobson of Helena. Several state agency representatives also serve: Rick Bartos and Ed Eschler with the Office of Public Instruction, Charles Briggs with the Governor's Office, Diana Dowling with the Legislative Council, Assistant Attorney General Kimberly Kradolfer, and Rick Newby with the Montana Historical Society. Staffing the committee from the Lieutenant Governor's Office are Centennial Coordinator Cheryl Hutchinson and Administrative Assistants Richard Roeder, Barbara Harris and Cebe Sobonya.

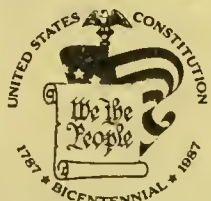
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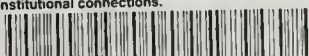
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The Montana Constitutional Connections Committee has no stable source of funding, but will apply for grants for selected activities. Donations also can be accepted, and the Montana Chapter of the American Federation of Teachers contributed \$100 early on to help with materials reproduction. Committee members serve at their own expense, and additional volunteers are welcome.

At its first meeting, the committee adopted a role and scope statement which appears on the following page. Several subcommittees also were established.

As a coordinating committee, members placed highest priority on putting Montanans in touch with the wide array of resources available for commemorating the U.S. Constitution and for studying constitutional issues in general. Additionally, the committee will attempt to serve as a clearinghouse for Montana-sponsored events and activities.

Knowing that funding is limited for statewide initiatives, the committee's goal is to stimulate participation in a variety of forms at the local level: in schools, civic clubs, among legal professionals, at libraries, etc. The various events listed in the role and scope statement present unprecedented opportunities for inquiry and examination of civic responsibilities for people of all ages and interests. If this newsletter prompts you or your organization to start a project, please let the Centennial Office know.

**FIRST (AND LAST?)**  
**NEWSLETTER ISSUE**

This is the inaugural issue of **Constitutional Connections** and was made possible by a special set of circumstances. Through a planning grant to the Montana Committee on the Constitutional System from the Montana Committee for the Humanities and a direct grant from the U.S. Committee on the Constitutional System, printing and postage are paid for to announce a major conference in Helena on October 10-11 (see pages 19 and 20 for details) and to convey bibliographic information for independent study.

An on-going source of support for the newsletter does not exist, however, and printing and postage are estimated at \$800 an issue. Editorial and clerical support are provided by committee members and the Lieutenant Governor's Office. Ideas on future funding possibilities are invited, as are reactions to the content and utility of such a periodic publication.

With assistance from IBM, the Centennial Office has compiled a mailing list of more than 2,500--chambers of commerce, teacher and administrator organizations, youth groups, civic and service clubs, libraries, veterans' and fraternal associations, schools, senior citizens, local governments, lawyers, churches, colleges, the media and others--and we're ready to "spread the word" as budget permits.

ROLE AND SCOPE STATEMENT

CONSTITUTIONAL CONNECTIONS COMMITTEE

An Affiliate of the Montana Statehood Centennial Office

THE SCOPE OF THE COMMITTEE shall include such anniversaries as the 50th Montana Legislative Assembly convening in 1987, the Bicentennial of the drafting of the U.S. Constitution in 1787 and its ratification in 1788, the 200th anniversary of the formation of the three branches of the federal government in 1789, the mandated public vote in 1990 on whether or not to call another state constitutional convention, the Bicentennial of the U.S. Bill of Rights in 1791, and the 20th anniversary of the existing Montana Constitution in 1992. In dealing with the national events, the special coincidence of Montana having gained admission to statehood during the federal government's centennial era will be highlighted wherever possible, as will the significance of rights and responsibilities attendant with admission to the union.

THE ROLE OF THE COMMITTEE will be to:

- (1) plan and develop appropriate commemorative activities seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;
- (2) encourage participation in such activities by citizens and private and public organizations;
- (3) coordinate, generally, activities throughout the state within the scope stated above; and
- (4) assist the Centennial Office in serving as a clearinghouse for the collection and dissemination of information about events and plans for commemorating the anniversaries listed above.

In planning and implementing appropriate activities, the Committee shall give due consideration to:

- (a) the historical setting in which constitutional documents are developed and ratified, including relevant antecedents;
- (b) the importance of tribal governments and other agreements between Native Americans and federal or state government;
- (c) the contribution of diverse peoples and politics;
- (d) the relationship of the three branches of government;
- (e) the various legal and philosophical views regarding constitutional issues;
- (f) the need for reflection upon both academic views and the principle that public documents must be understood by the general public;
- (g) the impact of constitutional democracy on life and public policy nationally, as a state and for local governments; and
- (h) the significance of the substantive provisions of federal and state constitutional documents.

The Committee shall seek cooperation, advice and assistance from national, regional and state private and governmental agencies and organizations, as well as individual citizens, in promoting and coordinating commemorative activities.

The Committee shall report its proceedings--including recommendations for action--routinely to the Centennial Office for both internal and external use. The Centennial Office, on behalf of the Committee, shall serve as the state's liaison to the federal bicentennial commission.

ADOPTED: April 14, 1986

Reprinted from this Constitution: A Bicentennial Chronicle, Winter, 1985, published by Project '87 of the American Historical Association and the American Political Science Association.

## An Introductory Bibliography to American Constitutional History

by KERMIT L. HALL

Since its creation, the American Constitution has stimulated a steady stream of literature about both its history and operation. This bibliography is an introduction to that vast literature. It is selective in the truest sense of the word. The numbers of books devoted to the Constitution run into the thousands; writings in history and political science journals and law reviews are even more extensive. This brief bibliography should nonetheless have value for teachers of American history and civics and the general reading public curious about our constitutional history. A fuller listing of the historical literature on the Constitution, especially that available in article form, can be found in Kermit L. Hall, comp., *A Comprehensive Bibliography of American Constitutional and Legal History*, 5 vols. (Millwood, N.Y., Kraus Thomson International, 1984).

### Creation of the Constitution and the Founding

Bailyn, Bernard. *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967).

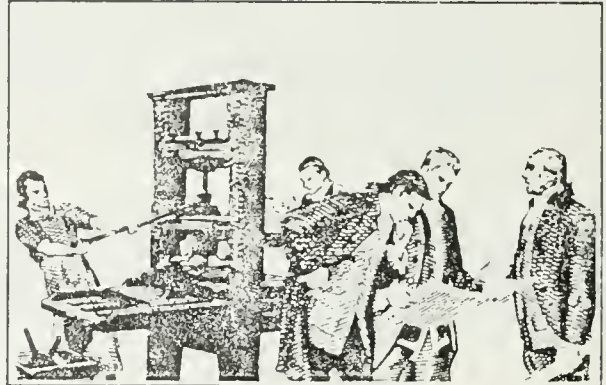
A penetrating analysis of the ideas that shaped both the revolutionary era's politics and the development of a distinctive form of American constitutionalism. Bailyn identifies English republican writers as the chief source of American constitutional thought.

Becker, Carl L. *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Alfred A. Knopf, 1956 [1st ed., 1922].)

An indispensable introduction to the text of the Declaration of Independence. Becker believed that the ideas of John Locke shaped not only the Declaration but the American Constitution, a position hotly disputed in Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, New York: Doubleday & Company, 1978). Wills contends that Locke counted for little and that the ideas of the Scottish Moral Enlightenment better explain the Declaration.

Bowen, Catherine Drinker. *Miracle at Philadelphia: The Story of the Constitutional Convention, May to September 1787* (Boston: Little, Brown & Co., 1966).

A highly readable and reliable account of the day-to-day events in the Constitutional Convention.



Brant, Irving. *The Bill of Rights; Its Origin and Meaning* (New York: New American Library, 1967 (paperback); Indianapolis: Bobbs-Merrill, 1965 (hardback)).

A history of the Bill of Rights from its beginnings to the recent past. Brant, who was also the biographer of James Madison, offers valuable insights into the intellectual background of the founding era. On the politics of the Bill of Rights, a fascinating subject in its own right, see: Robert A. Rutland, *The Birth of the Bill of Rights, 1776-1791* (Chapel Hill: University of North Carolina Press, 1955).

Corwin, Edward D. *The "Higher Law" Background of American Constitutional Law* (Ithaca, N.Y.: Cornell University Press, 1955).

An eloquent introduction to the idea of the Constitution as "Higher Law." From the time of its first publication in the *Harvard Law Review* in 1929 this exploration of the remote sources of the American Constitution has been one of the most universally admired and heavily used essays in the history of constitutional law and political thought.

Levy, Leonard W. ed. *Essays on the Making of the Constitution* (New York: Oxford University Press, 1969).

A fascinating collection of some of the best writing on the political and social forces, as well as the philosophical notions, that shaped the Constitution. The essays range from Charles Beard's famous "economic" interpretation of the Convention to Stanley M. Elkins and Eric McKittrick's provocative analysis of the relationship of the framers' youth to their continental vision.



McDonald, Forrest. *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, Midway Reprint Series, 1976 [1st ed. 1958]).

The most convincing attack on the Beard thesis. McDonald shows that the framers operated under a complex set of motives and that the factions in the Constitutional Convention were a good deal more fluid than Beard had believed.

Morris, Richard B. *Seven Who Shaped Our Destiny* (New York: Harper & Row, Publishers, 1973).

A lively account of the most important figures in the revolutionary era and the creation of the Constitution. Biographical in nature, but filled with insights about the development of American attitudes toward liberty and authority.

Rakove, Jack N. *The Beginnings of National Politics: An Interpretive History of the Continental Congress* (New York: Alfred A. Knopf, 1979).

A clearly written and forcefully argued account of why the Articles of Confederation eventually gave way to the Constitution. Certainly the best account of political activity leading to the calling of the Constitutional Convention.

Wood, Gordon S. *The Creation of the American Republic, 1776-1787* (New York: W. W. Norton, 1972 [1st ed., 1969]).

One of the most important books ever written about the Constitution. Wood stresses the inherent conservatism of the Federalists in writing the Constitution, and he also shows that they made a distinctive contribution to western political thought through republican ideology.

## The Nineteenth Century

Beth, Loren P. *The American Constitution, 1877-1917* (New York: Harper & Row, 1971).

A volume in the New American Nation Series, this book provides the single best synthesis of constitutional developments during these years. Beth, a political scientist, does particularly well at relating institutional developments to broad changes in constitutional policy-making by the Supreme Court.

Fehrenbacher, Don E. *The Dred Scott Case; Its Significance in American Law and Politics* (New York: Oxford University Press, 1978).

A brilliant examination of one of this nation's most famous constitutional law cases. This Pulitzer Prize-winning study probes the issues of slavery, the coming of the Civil War, and the meaning of judicial power in our constitutional order.

Hyman, Harold, and William Wiecek. *Equal Justice Under Law: Constitutional Development 1835-1875* (New York: Harper & Row, 1982).

A scholarly study filled with insights based on the most recent historical writing. The authors analyze extensively the 13th, 14th, and 15th amendments, and they argue provocatively that the significance of each must be understood in relationship to the others.

Levy, Leonard W. *Legacy of Suppression: Freedom of Speech and Press in Early American History* (Cambridge: Belknap Press of Harvard University Press, 1960).

A critical assessment of the early struggles over freedom of speech and press, particularly the attitudes which fueled the famous Alien and Sedition Acts. Levy gives low marks to the Jeffersonians as well as the Federalists on matters of civil liberties.

Newmyer, R. Kent. *The Supreme Court under Marshall and Taney* (New York: Crowell, 1968).

A readable synthesis of the work of the Marshall and Taney Courts which stresses their fundamental nationalism. It is also a good introduction to the basic workings of the Supreme Court.

Stites, Francis N. *John Marshall: Defender of the Constitution* (Boston: Little, Brown and Company, 1981).

A brief, highly readable account of the nation's greatest Supreme Court justice. It also provides an excellent sense of the interaction of law and politics in the early Republic.

## The Twentieth Century

Carter, Dan T. *Scottsboro: A Tragedy of the American South* (Baton Rouge: Louisiana State University Press, 1979 [1st ed., 1969]).

A fascinating analysis of the famous Scottsboro, Alabama rape case and the problem of Southern racism during the 1930s. The book is especially important in relating the constitutional commitment to fair trial and the right to counsel in the context of super-heated social tensions.

Cortner, Richard C. *The Supreme Court and the Second Bill of Rights* (Madison, Wisconsin: The University of Wisconsin Press, 1981).

A systematic description of the nationalization of the Bill of Rights through decisions of the Supreme Court. Cortner explains how the Supreme Court interpreted the "due process" clause of the 14th amendment to mean that the Bill of Rights, originally a limitation only on the federal government, also protected individuals against state government action.

Kluger, Richard. *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage, 1977).

A fascinating account of the battle against segregated schools. Kluger starts with Reconstruction

and ends with the civil rights turbulence of the 1960s. Particularly good in explaining the litigation strategy pursued by the NAACP's Legal Defense Fund in *Brown* and other civil rights cases.

Kutler, Stanley I. *The American Inquisition: Justice and Injustice in the Cold War* (New York: Hill and Wang, 1982).

A provocative yet balanced analysis of the interaction of anticommunism and constitutional values during the Cold War. Kutler draws expertly on case studies to drive home the personal and institutional consequences of political persecution.

Lewis, Anthony. *Gideon's Trumpet* (New York: Random House, 1964).

A highly readable account of the Supreme Court's 1962 landmark decision in *Gideon v. Wainwright*. The Court extended the right to counsel to the poor, and Lewis shows forcefully how human actors in the constitutional process contributed to the development of this important right.

Murphy, Paul L. *The Constitution in Crisis Times, 1918-1969* (New York: Harper & Row, 1972).

An historical overview of constitutional developments with emphasis given to their social and cultural roots. Murphy gives heavy, but not exclusive, attention to the emergence of civil liberties and civil rights.

## General

Berger, Raoul. *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge: Harvard University Press, 1977).

A trenchant attack on the Supreme Court's development of the 14th amendment. Berger throws darts at all of the twentieth-century liberal proponents of an activist judiciary. He hits the target often enough to make the book important, although flawed.

Bickel, Alexander M. *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (Indianapolis: Bobbs-Merrill Co. Inc., 1962).

A brief, forceful meditation on the relationship of the Supreme Court to the two other branches. Bickel carefully defines the limited role of judicial review in the American system while simultaneously arguing that the principled nature of American constitutionalism depends upon judicial power.

Burns, James MacGregor. *The Deadlock of Democracy: Four Party Politics in America* (Englewood Cliffs, N. J.: Prentice-Hall, 1963).

A penetrating discussion of the divisions within American political parties between their executive and legislative wings. Burns, one of the nation's foremost political scientists, brings a sharp analyti-

cal sense to the practical operation of parties in the American constitutional system.

Kelly, Alfred H., Winifred A. Harbison, and Herman Belz. *The American Constitution: Its Origins and Development*, 6th ed. (New York: W. W. Norton & Co., 1983 [1st ed., 1948]).

The 6th edition is newly revised and rewritten. It provides a sweeping and detailed examination of the development of American constitutionalism from its English origins to the present. It also contains an excellent annotated bibliography.

McCloskey, Robert G. *The American Supreme Court* (Chicago: University of Chicago Press, 1960).

A lucid account of the development of the Supreme Court and its power of judicial review. Although the book covers only the period through the 1950s, it remains perhaps the single best introduction to the history of the Court.

McLaughlin, Andrew C. *The Foundations of American Constitutionalism* (New York: New York University Press, 1932).

A brief, lively analysis of the historical origins of the principle of constitutionalism. McLaughlin emphasizes the role of New Englanders in transforming seventeenth- and eighteenth-century ideas into workable frames of government.

Schlesinger, Arthur M., Jr. *The Imperial Presidency* (Boston: Houghton Mifflin, 1973).

A shrewd analysis of the growth of presidential power written from the perspective of Richard Nixon and the Watergate disaster. Schlesinger deftly blends the development of constitutional law with political drama and international relations.

White, G. Edward. *The American Judicial Tradition: Profiles of Leading American Judges* (New York: Oxford University Press, 1976).

White skillfully puts biography into the service of constitutional and legal history through an examination of the lives of the nation's most prominent judges. Its panoramic coverage provides a sense of change within unity in the American judicial tradition.

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### Suggested additional bibliographical sources:

Earlean M. McCarrick, ed. *U.S. Constitution: A Guide to Information Sources*. Gale Research Company, 1980.  
Stephen M. Millett, ed. *A Selected Bibliography of American Constitutional History*. ABC-Clío Press, 1975.

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Kermit L. Hall is professor of history and law at the University of Florida. He has held grants from the National Science Foundation and the National Endowment for the Humanities, and he is the author of *The Rule of Law in American History* (forthcoming from Oxford University Press). He is currently engaged in a study of the impact of popular election on state judicial decision-making.



The Montana Constitutional Connections Committee is regularly receiving information about newly developed materials to aid in planning for and conducting constitutional programs. Here's a partial listing of resources available. No judgment on the quality has been made.

# RESOURCES/RESOURCES/RESOURCES

## COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION (BURGER COMMISSION)

Materials available from Commission on the Bicentennial of the United States Constitution, 734 Jackson Place, N.W., Washington, D.C. 20503:

Regularly released items:

- Newsletter
- First Report of the Commission on the Bicentennial of the United States Constitution, 17 September 1985.
- "Bicentennial Alert." Monthly flyers which contain historical events for each day of the month.

Irregularly released items:

- "Suggested Bicentennial Programs and Activities."
- "What you can do to Help: 10 Ways to Get Involved in Your Community."
- "Regulations on the Use of the Logo."
- "List of State Bicentennial Commissions."
- Sample Proclamation for Making September 17, 1987, United States Constitution Day."
- "National Bicentennial Writing Competition for High School Students." The National Commission is conducting this contest in cooperation with the American Bar Association and USA Today.
- "Special and Pictorial Cancellations." Information on commemorative philatelic cancellations by the Postal Service.
- "Speakers Bureau."
- "Selected Student Bibliography."
- "Constitutional Bicentennial Speech Inserts."
- "Bicentennial Quotes."
- "List of Programs by School Level."
- "Summary of Federal Projects, Activities and Plans."
- "Summary of Private Sector Projects."
- "A Guide to Celebrating the Bicentennial of the U.S. Constitution."

# RESOURCES/RESOURCES

## NATIONAL ENDOWMENT FOR THE HUMANITIES

Overview of Endowment Programs is a booklet which describes how the NEH functions and the programs it supports. The booklet, Initiative for the Bicentennial of the U.S. Constitution, contains suggested topics on which it would consider funding grant proposals as part of the bicentennial celebration. Write National Endowment of the Humanities, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

## AMERICAN BAR ASSOCIATION

The American Bar Association (ABA) will be sponsoring education programs for both adults and young students. It also will authorize use of the ABA logo for recognized community activities. The ABA also has compiled an "Annotated Bibliography of Constitution-Related Audiovisual Materials" and a "Bibliography of Written Resources on Constitutional Topics." For further information write American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611.

## NATIONAL FEDERATION OF STATE HUMANITIES COUNCILS

This organization has published The Humanities and the Constitution which contains information on programs sponsored by the National Endowment for the Humanities, an index of national organizations conducting programs, an excellent chronology of the Revolutionary period, and an introductory bibliography to American Constitutional history. The Federation also has available an extensive annotated bibliography of works on the Constitution prepared by a panel of scholars. For further information write The National Federation of State Humanities Councils, 12 South Sixth Street, Suite 527, Minneapolis, MN 55402.

## PROJECT '87

Project '87 is a joint undertaking of the American Historical Association and the American Political Science Association to commemorate the Bicentennial by promoting public understanding of the Constitution. To this end Project '87 publishes a quarterly magazine, this Constitution: A Bicentennial Chronicle. Project '87 also has produced a poster exhibit which has received the approval of the Burger Commission. Project '87 also has a book, Lessons on the Constitution, for secondary school teachers, and is producing television programs suitable for school and college courses. For further information write Project '87, 3117 Hawthorne Street, N.W., Washington, D.C. 20008.

## ACT

Action for Children's Television (ACT), with support from the National Endowment for the Humanities and several foundations, has produced a book titled Television, Children and the Constitutional Bicentennial. The book focuses on how TV "can use its power to help children understand how much we count on the Constitution every day." Copies are available for \$10 from ACT, 20 University Road, Cambridge, MA 02138

THE JEFFERSON MEETING ON THE  
CONSTITUTION

The Jefferson Foundation is a non-advocacy organization that seeks to stimulate study and debate about the Constitution. The organization has available two how-to-do-it publications. **The Jefferson Meeting on the Constitution: The Constitution in the Community, A Guide for Communities** provides a step-by-step guide to organizing a community Jefferson Meeting. **The Jefferson Meeting on the Constitution: The Constitution in the Classroom, A Guide for Teachers** makes suggestions for integrating the Foundation's materials into course plans.

The Jefferson Foundation also has available the following discussion guides:

**To Make and Alter Their Constitutions of Government** (Article V and amendment by convention);

**The Plain Simple Business of Election** (The electoral college);

**So Great a Power to Any Single Person** (the presidential term of office);

**The Root of Republican Government** (congressional terms of office and term limitation);

**To Control the Abuses of Government** (the item veto, the legislative veto, and the separation of powers);

**During Good Behavior** (Judicial tenure and judicial accountability).

For further information write The Jefferson Foundation, 1529 18th Street N.W., Washington, D.C. 20036.

U.S. HOUSE OF REPRESENTATIVES

The House of Representatives has set up a Commission on House Bicentenary which will oversee commemoration of the Bicentennial of the House through a program of publications, exhibits and symposia. The Commission also publishes a newsletter, **History in the House**. For information on this and other Commission activities write Dr. Raymond W. Smock, U.S. House of Representatives, Office of the Bicentennial, 138 Cannon House Office Building, Washington, D.C. 20515.

**RESOURCES/RESOURCES**

PHI KAPPA PHI

Phi Kappa Phi is a national scholastic honorary society which, among other things, publishes a quarterly journal, **National Forum**. In cooperation with the American Bar Association and Mead Data Control and with the financial support of major foundations, Phi Kappa Phi brought out a special issue of **National Forum** in the fall of 1984 titled **Toward the Bicentennial of the Constitution**. The issue contains seventeen articles by scholars and public figures, including President Reagan and Chief Justice Warren E. Burger. Single copies are \$2.75 each. Write The Honor Society of Phi Kappa Phi, Box 16000, Louisiana State University, LA 70893.



### STATE MATERIALS

The states are beginning to generate bicentennial materials. On April 1, 1986, The Colorado Commission on the Bicentennial of the United States Constitution submitted its report, titled **We the People - Colorado**, to Governor Richard D. Lamm. It contains summaries of national and state programs already underway and a discussion of the Colorado Commission's plans for participation in the celebration. The supply of copies on the Colorado Plan is limited, but copies of a summary of the plan are available. Write The Colorado Commission on the Bicentennial of the United State Constitution, 7951 East Maplewood Avenue, Suite 327, Englewood, CO 80111.

The Maryland Office for the Bicentennial of the Constitution of the United States is initially focusing its attention on the bicentennial of the Annapolis Convention (September 11-14) which led to the calling of the Constitutional Convention the following year. The Maryland Office has an "Annapolis Convention Fact Pack" as well as copies of a play about the Annapolis Convention, "A More Perfect Union," which will be performed as part of the celebration. As part of its effort to recognize the contribution of women in the Revolutionary era, the Maryland Office has for sale a needle point kit and a counted cross stitch kit of the thirteen part "United or Die!" snake which was used as a political cartoon by a Baltimore newspaper urging Maryland to ratify the proposed Constitution. It also has an elementary school unit, "Maryland and the U.S. Constitution," Write The Maryland Office for the Bicentennial of the Constitution. Maryland State Archives, Box 828, Annapolis, MD 21404.

## RESOURCES/RESOURCES

The Virginia Commission on the Bicentennial of the United States Constitution outlined its plan in its **Report to the Governor and General Assembly**, December 1, 1985. The Virginia Commission proposes not just to celebrate but to educate, to inform, to stimulate Virginians to a better understanding of the principles of self-government under the Constitution. Write Virginia Commission on the Bicentennial of the United States Constitution, c/o Institute of Government, 207 Minor Hall, University of Virginia, Charlottesville, VA 22903.

Because Delaware kept its commission which worked on the bicentennial of the Revolution in place, that state is probably well in advance of the others in the programs it already has going, which befits the first state to ratify the Constitution. Among numerous other activities it publishes a quarterly newsletter, provides scholars to lecture on the Constitution, and is producing a film on the life of John Dickinson. Write Delaware Heritage Commission, 3rd Floor, Carvel State Office Building, 820 North French Street, Wilmington, DE 19801.

ACTIVITIES, MATERIALS, ETC., FROM  
THE PRIVATE SECTOR

"National Bicentennial Competition on the Constitution and Bill of Rights" is a series of school competitions on understanding of the constitution to be held from 1987 through 1991 at the local, state and national levels. This activity is officially recognized by the Burger Commission. For further information write Center for Civic Education, 5115 Douglas Fir Road, Suite 1, Calabasa, CA 91302.

The American Enterprise Institute has available a series of pamphlets on the history of the Constitution and on current constitutional issues. The most recent of these is **The Writing of the Constitution of the United States** by Walter Berns. For information on this and other pamphlets write the American Enterprise Institution for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036.

A booklet **About the Constitution of the United States of America** is available from Channing L. Bete Co., Inc., 200 State Road, South Deerfield, MA 01373-0200.

A cassette "The Living Constitution of the United States" is available from Project Constitution, 159B Main Street, Little Falls, NJ 07424.

B.J. Lewis, Ltd., a Washington, D.C. area computer consulting firm, offers a computerized remote bulletin board system for anyone working on or interested in Bicentennial projects. The system will list planned activities sorted by date, state and national file. Write B.J. Lewis, Ltd., 2550 Greenbrier Street, Arlington, VA 22207-1741.

Actor Howard Krick of Salem, Oregon, offers to play the role of Ben Franklin for schools, libraries, and special events. Write Jean Medley, Talent Management Northwest, 935 N.W., 19th Street, Portland, OR 97209.

Random House offers **The Constitution of the United States of America** hand lettered and inscribed by Sam Fink. The book also has a forward by James A. Michener and costs \$25.00 Random House, Inc., 201 East 50th Street, New York, NY 10022.

Imero Fiorentino Associates are developing a travelling road show with a cast of characters which will include Washington, Hamilton, Madison and Franklin. Local actors will be used, and the script will be customized to fit the local scene. Write Imero Fiorentino Associates, 44 West 63rd Street, New York, NY 10023.

Charles L. Kennedy of the Political Science Department of the York Campus of the Pennsylvania State University has developed "Constitution: A simulation of a convention called to revise the United States Constitution" for school use grades 7 through 12. Write Interact, P.O. Box 262, Lakeside, CA 92040.

David L. Clark offers lyrics and music to the song, "We Are Americans," a special musical tribute to the original thirteen states. It is available from "We Are the People" Music Publication, Inc., P.O. Box 151, Monaca, PA 15061.

Frey Enterprises offers **Foundations of the Republic**, a compilation of ten documents some of which (the Constitution, for example) are in facsimile form. Write Frey Enterprises, 2120 Crestmoor Road No. 125, Green Hills, Nashville, TN 37215.

The Committee is a non-partisan, non-profit organization devoted to the study and analysis of our constitutional system as it nears its 200th anniversary in 1987. The Committee's participants include present and former Senators and Congressmen, members of the Cabinet and White House staff, officials of the national and state political parties, state governors, university and college presidents, journalists, lawyers, historians, political scientists, labor officials, business and financial leaders, and other interested citizens across the nation.

The Committee's co-chairmen are Senator Nancy Landon Kassebaum (R-Kan.), C. Douglas Dillon, former Secretary of the Treasury and Under Secretary of State, and Lloyd N. Cutler, former Counsel to the President.

\* \* \*

Two hundred years ago, the founders of the American republic decided that the governmental system that had guided them safely through the War for Independence was in need of change. They became convinced that nothing short of a new constitution would meet the demands that lay ahead. Having reached this conclusion, they did not hesitate to take the necessary action. The result was the framing and ratification of the United States Constitution.

As we approach the bicentennial of this magnificent document, Americans are eager to honor the framers' achievement.

The system designed in 1787 has proved remarkably adaptable to the changing demands of a fast-growing nation. Political leaders were imaginative and bold in finding ways to adapt the system to meet evolving national purposes. To strengthen democratic accountability, Adams, Jefferson and Madison took the lead in creating the party system, building a measure of cohesion among elements which the separation of powers had dispersed. As we shifted from an agricultural to an industrial society, and a strict separation of powers made the regulation of modern industries very difficult, a later generation of politicians invented the "regulatory agency," combining rule-making,

\* Expanded discussion of these points can be found in the Reforming American Government (designated RAG) and Constitutional Reform (designated CR) at the pages indicated by keying notes in the left margins of this paper.

# AN ESSAY.

The statement and recommendations reprinted herein represent the views of the U.S. Committee on the Constitutional System (1755 Massachusetts Avenue, N.W., Suite 410, Washington, D.C. 20036) and reflect no endorsement by the Montana Constitutional Connections Committee.



administrative and adjudicatory powers in a single governmental body.

During the 1930's, however, new signs of strain began to appear. In response to the Great Depression, the government embarked on a vast set of programs to micro- and macro-manage our modern industrial economy and provide a measure of social justice for those who suffered from its malfunctions. Then dangerous challenges to vital American security interests arose in Europe and the Far East, and the nation reluctantly assumed the burden of becoming a world superpower with global responsibilities. These developments, domestic and foreign, required the federal government to undertake new tasks that were unprecedented in kind or scope.

Thoughtful observers soon realized that the governmental structure was straining under this new load. A series of commissions chaired by Louis Brownlow, Herbert Hoover, and Roy Ash made sweeping recommendations that were the basis for modernizing the executive branch. Distinguished panels in the Senate and House chaired by Mike Monroney and Robert La Follette, Jr., Richard Bolling, Adlai Stevenson III and William Brock brought about changes in the procedures and committee structure of Congress. Groups outside the government (such as the National Academy of Public Administration, the Committee on Political Parties of the American Political Science Association, and the Committee for Economic Development) as well as individual analysts and authors, offered other suggestions for reform.

Many of these studies recognized that the problems confronting the American political system were profoundly rooted in the constitutional structure, but most confined themselves to recommending adjustments within the existing framework. Non-constitutional changes are of course less difficult to make, and ought to be tried before changes in the Constitution itself. But even changes in the Constitution should not be shunned if a critical weakness cannot be corrected by other means.

In the last Federalist Paper, Alexander Hamilton urged that the Constitution be ratified despite the objections that were being raised, because there would be opportunity to make amendments as experience revealed the need. James Madison and Gouverneur Morris likewise acknowledged imperfections in the framers' brilliant work.

For example, the same document that entrenched the Bill of Rights also entrenched the institution of slavery. When that fault became apparent over the next century, the resulting constitutional crisis produced a terrible civil war. Abraham Lincoln called a distracted nation to attention with the words, "We must disenthral ourselves." "The dogmas of the quiet past,"

he added, "are inadequate to the stormy present.... As our case is new, so we must think anew, and act anew." And the Constitution was amended to outlaw slavery, root and branch.

Jefferson considered the right to amend one of the Constitution's most important features. As Jefferson wrote: "I am certainly not an advocate for frequent and untried changes in laws and constitutions. . . . But I know also that laws and institutions must go hand in hand with progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times."

As Jefferson foresaw, we too face unprecedented challenges. If aspects of the system framed in 1787 are contributing to our present difficulties, we must identify the outmoded features, separate them from the good and durable parts of the system, and consider making the necessary modifications. To do so is not to reject the great work of our forebears. It honors their spirit in the most sincere way: by trying to emulate it.

#### The Signs of Disarray

As the bicentennial draws near, the signs of disarray in our governing processes are unmistakable. Perhaps the most alarming evidence is the mounting national debt, fueled anew each year by outside and unsustainable deficits that defy the good intentions of lawmakers and Presidents. Contradictions in our foreign and national security policies are widened by a contest of wills between Presidents and shifting coalitions within the Congress.

Further problems -- particularly damaging in a nation dedicated to the principle of self-government -- stem from malfunctions of the electoral system: the high cost of running for office, the stupefying length of campaigns (for the Presidency, several years from the initiation to the inauguration), and persistently low turnout rates (the lowest in the world among nations with competitive elections).

#### The Causes

Sensing the failures and weaknesses in governmental performance, the people tend to blame particular politicians or the complexity of the modern world. But our public officials are no less competent, either individually or as a group, than they used to be. Nor are our problems so complex as to defy rational solution. The problem lies mainly in the structure of the executive-legislative process and in the decline of party loyalty and cohesion at all levels of the system.

The separation of powers -- as a principle of structure -- has served us well in preventing tyranny and the use of high office, but it has done so by encouraging confrontation, indecision and deadlock. In the past, these centrifugal tendencies of the separation of powers were counteracted by the party system. A party's politicians were committed to a common philosophy of government and, often, to specific program goals. Beyond that, their fealty to their party was deeply felt. They ran for office on a party ticket and then, once in office, recognized a common stake in the success of their party's governance and their joint accountability as candidates of the party at the next election.

But in recent decades, political reforms and technological changes have worked together to weaken the parties and undermine their ability to draw the separated parts of the government into coherent action. Beginning in the late nineteenth century, Congress enacted a series of measures that redistributed functions previously performed by the parties. Civil service systems stripped the parties of much of their patronage. The rise of the welfare state took away many opportunities for service by which the parties had won and held the loyalty of their followers. The secret ballot replaced the "tickets" previously prepared by the parties and handed to the voters to cast into the ballot box. The 17th Amendment, requiring the direct election of senators, dealt another blow to party cohesiveness. So did the direct primary, which came to dominate the nomination of presidential candidates, particularly after 1968. Modern technology enabled candidates to appeal to voters directly, through television, computer-assisted mailings and telephone campaigns, and by quick visits in jet airplanes, all of which lessened the dependence on partisan organizations. The key to these technologies was money, but candidates found they could raise it directly for themselves better than through party organizations. Conversely, interest groups found they could exercise more power over legislative votes by contributing directly to selected candidates rather than to a party.

The habits of voters also changed in this new environment. Among voters, party loyalty had been the rule for most of the nineteenth century. But by the middle of the twentieth century, ticket-splitting became the norm.

These changes were, for the most part, inevitable. No one wants to roll the clock back to the time when party bosses and local "machines" dominated the political process. Nevertheless, the weakening of parties in the electoral arena has contributed to the disintegration of party cohesion among the officials we elect to public office. Members of Congress who owe their election less to their party than to their own endeavors and their own sources of funds have little incentive to cooperate with party leaders in the Congress, much less those in the White

House, in support of party programs. And the proliferation of committees and subcommittees has increased the disarray. There are now so many that almost every member is the chairman or ranking minority member of at least one committee or subcommittee, with all the political clout, fund-raising and publicity potential needed to remain in office.

#### The Effects

Because the separation of powers encourages conflict between the branches and because the parties are weak, both as electoral organizations and as agents for uniting the separated branches in guiding a balanced program into law, the ability of the federal government to fashion, enact and administer coherent public policy has eroded. The problems include:

a. Narrow Windows of Opportunity. Only the first year of any four-year presidential term currently provides a "window of opportunity" for decisive action. By the second year, congressional incumbents are engrossed in the mid-term election, and difficult decisions that will offend any important interest group are deferred. The mid-term election usually results in a setback for the President's party that weakens his leadership and produces stalemate and deadlock in the Congress. After the mid-term election, the government comes close to immobility as the President and Congress focus their energies on the imminent presidential election.

b. Divided Government. In 1900 only 4 percent of all congressional districts were carried by one party's presidential candidate and the other party's candidate for Member of Congress. In 1984, because of the growing phenomenon of ticket-splitting, this happened in 44 percent of all congressional districts. As a result we now have divided government (one party winning the White House and the other a majority in one or both houses of Congress) most of the time, compared to less than 25 percent of the time from the adoption of the Constitution until World War II.

This leads to inconsistency, incoherence and even stasis in national policy. Legislative policy decisions (including the nondecisions resulting from frequent deadlocks that block any action at all) must be reached by shifting majorities built by cross-party coalitions that change from one issue to another.

1912 was a time of divided government, a rarity in that era. One of Woodrow Wilson's campaign themes in 1912 was that only party government, bridging the separated powers and controlling all three elective institutions -- Presidency, House and Senate -- could carry a party program into effect. Wilson achieved party government and his New Freedom program was

CR 105-111

CR 75-84

successfully legislated. Wilson was right: when parties lose their place what alternative can assure coherence?

c. Lack of Cohesion in Congress. Even in times of united government, disunity persists between the branches -- and between and within the two houses of Congress -- because many members of both the President's party and the opposition party reject the positions arrived at by party mechanisms. Legislators today have less reason to stick with their party's position and more reason to follow the urgings of political action committees who provide more of their campaign funds than the party does. Of President Reagan's recent inability to persuade more than 70 of the 182 House Republicans to cast a record vote for the tax reform bill as he recommended vividly illustrates the point.

CR 189-196

d. Diffusion of Accountability. Divided government and party disunity also lead to diffused accountability. No elected official defends the sum of all the inconsistent policy decisions made by so many different and shifting cross-party coalitions, and each successfully shifts the blame to others. Polls show the public is dissatisfied with the governmental institutions -- especially Congress and the bureaucracy -- that legislate and administer this hodge-podge of policies. But the public seldom holds a party accountable for these failures, and it hardly ever holds individual legislators responsible. Since World War II, 90 percent of each party's incumbent legislators who sought another term have been reelected, even in years when their party lost the White House. Benjamin Franklin's famous maxim, "We must indeed all hang together, or most assuredly we will all hang separately," no longer applies to the Members of Congress of either party.

e. Lack of a Mechanism for Replacing a Failed Government. Presently there is no way to resolve basic disagreements between the President and congress by referring them to the electorate. There is no way to remove a Congress that obstructs a fundamentally important presidential program. And the only way to remove a failed President is a House impeachment and Senate trial for "treason, bribery, or other high crimes and misdemeanors."

CR 135-143

#### The Remedies

In seeking to adjust the constitutional system to modern conditions, we must be careful to preserve its enduring virtues. We must continue to respect the Bill of Rights, protected by an independent judiciary, and we must continue to insist that elected officials be able to monitor one another's performance and call one another to account.

But consistent with these principles, it should be possible to design improvements that would encourage party cohesion and avoid deadlock between the executive and legislative branches. A substantial consensus of the Committee on the Constitutional System believes that the following proposals are sufficiently meritorious to warrant national consideration and debate.

#### A.

##### Measures to strengthen parties as agents of cohesion and accountability.

##### 1. The party presidential nominating convention.

The parties should amend their rules for the presidential nominating conventions so as to entitle all winners of the party nominations for the House and Senate, plus the holdover Senators, to seats as uncommitted voting delegates in the presidential nominating convention. This would give the congressional candidates of the party a major voice in selecting the presidential candidate, increase the loyalties between them in the election campaign, improve party cohesion between the President and the legislative incumbents of his party and make them jointly accountable to the voters in the next election.

RAG 114-117

CR 181-189

##### 2. Optional Straight Ticket Balloting

Congress should enact a statute requiring all states to include a line or lever on federal election ballots enabling voters, if they so desired, to cast a straight line party ballot for a party's candidates for all open federal offices. Several states already have such statutes and ticket splitting is less common in those states. This would encourage party loyalty at the voter level and among a party's federal candidates. To the extent it reduced ticket splitting, it would lessen the likelihood of divided federal government.

RAG 119-120

CR 93-95

##### 3. Campaign financing through the parties

Congress should amend the campaign financing laws to create a Congressional Broadcast Fund similar to the existing Presidential Campaign Fund. This fund would be available to each party under a formula similar to that used for the Presidential Campaign Fund, on condition that the party and its candidates expend no other funds on campaign broadcasts. Half of each party's share would go to the nominees themselves. The other half would go to the party's Senate and House campaign committees which could apportion the funds among

RAG 120-122

CR 196-203



candidates so as to maximize the party's chances of winning a legislative majority. By requiring candidates to look to the party for half their broadcast funds, this proposal should help to build party loyalty and cohesion. It also provides a constitutional way of limiting expenditures on the largest single component of campaign financing costs.

#### 4. Strengthening congressional party caucuses

Congressional party caucuses should consider adopting stronger rules to formulate party positions on major legislative issues and to impose party discipline (loss of seniority, committee chairmanships, etc.) on members who vote against the caucus consensus more than an unreasonable number of times.

Measures to improve collaboration and reduce deadlock between the Executive and Legislative Branches

#### 1. Four-year terms for House Members and eight-year terms for Senators, with elections only in presidential terms

The present system of staggered elections has the effect of pulling the branches apart. Members of the House, who run every two years, feel a political need to demonstrate their independence from the White House. Every other time an incumbent in either House runs for reelection, there is no presidential campaign. The effect is to encourage legislators to distance themselves from the President and from presidential programs that may involve a difficult short-term adjustment on the way to a worthwhile longer term result.

If the Constitution were amended so that the President and Members of the House served the same four-year terms, and half of the Senate were elected for eight-year terms in each presidential year, all would have an incentive to enact programs that required three or four years to prove their value, rather than one or two.

Eliminating the present mid-term election would lengthen the time horizons of all concerned. Presidents and legislators could take unpopular but necessary steps in the interest of longer-run benefits, without having to worry at every stage about an imminent election. With fewer elections, the cost of campaign financing would automatically fall, and

PAG 189-196

8.

PAG 175-177

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legislation would be less frequently or immediately in threat to the interest groups on whom they depend for funds. The "window of opportunity" for enactment of difficult legislation would be wider. With a four-year life for each Congress, the legislative process could be made more orderly and deliberate.

#### 2. Permitting Members of Congress to serve in the Cabinet

The Constitution now bars Members of Congress from serving as heads of administrative departments or agencies or holding any other executive branch position. This provision was intended to prevent the President from dominating Congress by offering lucrative offices to key members. Since all members now earn as much as most executive officers, and no one can receive two salaries, that original purpose is now outmoded. If the barrier were removed from the Constitution, Presidents would have the option of appointing leading legislators to cabinet positions, without requiring them to give up their seats in Congress. Such ties between the branches might encourage closer collaboration and help to prevent stalemates. They would broaden both the range of talent available to a President in forming his administration and the base of political leadership in the executive branch.

#### 3. Relaxing the requirements for treaty ratification

The present constitutional requirement that treaties require the approval of two-thirds of the Senate has been a major barrier to the making of agreements with other nations -- a function that is vital to effective national government in an increasingly interdependent world. This provision should be amended to require that treaties can take effect with the approving vote of a simple majority of both houses. If the Senate will not join in proposing such an amendment, it should at least approve an amendment reducing the present two-thirds approval requirement by the Senate to 60%.

\* \* \*

These are the changes which command a substantial consensus of the Committee on the Constitutional System. A number of other ideas have not yet won a consensus, but the Committee agrees they are important enough to deserve further discussion. They fall into three categories:

1 Measures for reducing the likelihood of divided government

For 20 of the last 32 years -- 62.5 percent of the time -- the White House and at least one house of Congress have been controlled by opposing parties. Some of the measures suggested above might reduce the likelihood of divided government, but they would by no means eliminate it. If divided government is recognized as the preeminent cause of interbranch conflict and policy stalemate and deadlock, three stronger approaches are worth considering.

One is a constitutional amendment providing that the party winning the presidential election be given bonus seats in the House and Senate -- enough to constitute a majority. The Senate seats, at least, would have to be at-large, to conform to the constitutional requirement that each state have equal representation in that body. The House seats could be distributed by regions and the nominees chosen by local conventions or primaries -- or like the Senate seats, they could be at-large. Before the election, each party would publish its list of bonus seat candidates, which could include experienced citizen statesmen who would not be willing to campaign for a regular seat.

The second approach is to make straight-ticket voting not merely easier, as suggested above, but compulsory. By constitutional amendment, each party's nominees for President, Vice President, Senate, and House could be placed on the ballot as a single slate, with the voter required to cast his vote for one of the party slates in its entirety.

The third approach is for Congress to enact a statute providing for sequential elections in presidential years, with the voting for President and Vice President to be conducted two to four weeks before the voting for Members of Congress. Under such a proposal voters would already know, at the time they balloted for Members of Congress, which party they have entrusted with the Presidency. This would give the newly elected President an opportunity to persuade voters to elect a majority of the same party to Congress and thus give the party a better opportunity to carry out its program.

RAG 179-182

CR 98-103

RAG 177 179

CR 84-93

RAG 117-119

CR 95-98

2. Measures for Calling New Elections in Event of Deadlock

If it were possible for a President to call new elections, or for Congress to do so, we would have a mechanism for resolving deadlocks over fundamental policy issues. And the very existence of such a mechanism would be an inducement to avoid a deadlock that could trigger new elections.

There are formidable obstacles to incorporating such a device in our present system. Are we prepared to vote in a month other than November? How soon should elections follow after the passage of the resolution calling for them? Should the President alone, or Congress alone, or both the President and Congress be required to run for office in the event of a call for new elections? Should there be full new terms for the winners (perhaps adjusted to the regular January expiration dates), or should they fill just the unexpired terms?

These questions can probably be answered. The real questions are whether we need such a drastic device for breaking deadlocks, or for removing Presidents who have failed for reasons other than impeachable conduct, and whether it is likely that the electorate would break the deadlock or reelect everyone in a special election. At any rate, many constitutional democracies employ such a device, and it deserves serious consideration. It is consistent with our tradition of separated powers, and it might well operate to encourage cooperation in order to avoid the ordeal of special elections.

3. Reexamining the Federal-State Relationship

Several members felt that the weaknesses of the federal government are in large part the result of overload, and that the present division of responsibility among federal, state, and local governments, with regard to equity, efficiency, accountability, and responsiveness, needs recurring attention. They recommended a convocation every ten years of delegates to be selected in equal numbers by federal, state and local governments in a manner to be determined by Congress, to make recommendations to achieve a more cooperative, equitable, efficient, accountable, and responsive federal system, under procedures requiring Congress and the state legislatures to vote on each recommendation.

1. A Package of Related Constitutional Amendments

Many of the above measures are interrelated. For example: a decision on lengthening House and Senate terms relates to decisions on providing for special elections (in place of the present midterm elections) and on the possible service of Senators and Congressmen in the Cabinet; and most of the measures described here can have a major bearing on campaign costs -- including broadcast funding. The further discussion of these measures, and others that may be advanced, may well produce a synergistic package offering total benefits greater than the sum of the individual parts.

CR 240-242

A number of members suggest the following integral package of constitutional amendments as worthy of consideration to this end:

a. Separation of Powers

1. Four-year terms for House members and eight-year terms for Senators, with elections in presidential years.
2. Empowering the President (perhaps with the consent of certain number of members of one or both houses) or the Congress (perhaps by a special or regular majority of both houses or even by an absolute majority of the members of one house) to call for a prompt election for full new terms.

3. Permitting the President to appoint Members of Congress to the executive branch without requiring them to give up their seats.

b. The Federal System.

A federal-state-local convocation every ten years to make recommendations for improving the federal system.

c. Campaign Expenditures.

Permission for Congress to place reasonable limitations on the total that may be spent in a political campaign.

RAG 122-125

This is by no means complete. As the people earnestly consider not only the great merits of our constitutional structure but also its possible weaknesses as it enters a third century of service, other suggestions may deserve a place on the Bicentennial discussion agenda.

The important thing is, in Lincoln's words, "to think anew and act anew." We should consider not only the improvements that can be made by changes in statutes and party rules, but also the amendment process that Hamilton and Madison and their colleagues of 1787 designed for us and commended to our use.

If this document stimulates that earnest discussion, it will have served its purpose.

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TENTATIVE AGENDA  
MONTANANS DEBATE U.S. CONSTITUTIONAL REFORM:  
THE QUESTION OF SEPARATION OF POWERS  
STATE CAPITOL  
HELENA, MONTANA  
OCTOBER 10-11, 1986

Friday, October 10  
7:30 p.m.

KEYNOTE ADDRESS: Dr. Thomas Payne  
"Reconstitution of the American Political System"

Saturday, October 11  
9:00 a.m.

ORGANIZATION SESSION

9:30 - 11:30 a.m.

TOPICAL SESSIONS

Strengthening Political Parties

- increasing the role of state-wide and national office holders in party conventions
- permitting straight ticket voting
- channeling campaign contributions and funding to the parties
- strengthening the party caucus in Congress

Forestalling Divided Government

- bonus congressional seats for President's party
- team ticket voting for President and members of Congress
- sequential election of President and members of Congress
- permitting members of Congress to serve in the executive branch

Lengthening Terms of Office

- four-eight-four plan for the President and Congress
- single, six-year term for the President
- repeal of the Twenty-second amendment
- eliminating the mid-term election

Altering the Checks and Balances

- national referendum for breaking deadlocks
- special elections for avoiding deadlocks
- item veto to strengthen the President in bargaining
- legislative veto to strengthen Congress' bargaining position

12:00 - 1:30 p.m.

LUNCH BREAK

1:30 - 3:45 p.m.

DISCUSSION SECTION REPORTS AND DEBATE

- The national parties should be strengthened: pro and con
- Divided government tendencies should be curtailed: pro and con
- Terms of members of Congress should be lengthened: pro and con
- Checks and balances should be modified: pro and con

4:15 - 5:00 p.m.

CONCLUDING ACTIVITIES

- Summary of the conference's purpose, theme, and points made
- Vote by all attending on the proposition, The U.S. Constitution is in need of revision
- Open discussion on next steps

CONFERENCE  
SCHEDULED.

Under sponsorship from the U.S. Committee on the Constitutional System (1755 Massachusetts Avenue, N.W., Suite 410, Washington, D.C. 20036) a conference titled "Montanans Debate Constitutional Reform: The Question of Separation of Powers" has been scheduled for Friday evening and Saturday, October 10-11, at the State Capitol.

Almost 100 Montanans--former Constitutional Convention delegates, legislators, teachers, lawyers, statewide office holders and others--were invited to serve as voting delegates to debate several propositions relating to Articles I through III of the U.S. Constitution. To date, about 60 have accepted.

The conference is open to the public. An agenda appears on the reverse page. The Committee on the Constitutional System provided copies of two books--**Reforming American Government** edited by Donald L. Robinson and **Constitutional Reform** by James L. Sundquist--to voting delegates in preparation for the discussions.

The combination of participants and issues promises lively debate. A statement by the U.S. Committee on the Constitutional System appears on pages 12-18 as an essay for this issue, but in no way is endorsed by the Montana Constitutional Connections Committee.

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